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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,018	05/25/2006	Martin Wennberg	502.1257USN	1770
33369	7590	10/01/2009	EXAMINER	
FASTH LAW OFFICES (ROLF FASTH) 26 PINECREST PLAZA, SUITE 2 SOUTHERN PINES, NC 28387-4301				PHAM, TIMOTHY X
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE			DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/596,018	WENNBERG ET AL.	
	Examiner	Art Unit	
	TIMOTHY PHAM	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Koskimies (US 2004/0081110).

Regarding claim 1, Koskimies discloses a method for downloading data to a mobile device belonging to a mobile telecommunication network (Abstract; paragraphs [0007]-[0008]) by choosing a download method and configuration parameter values based on capabilities of the mobile device to be provided with update information (paragraphs [0033], [0051], e.g., Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data

(e.g., WAV, MP3, etc. in the case of audio data), and the data is downloaded to the toy 102 via the mobile phone 112), comprising:

a) storing information of terminal capabilities and subscriber information of the mobile device in the network in a database connected to a provisioning manager (Abstract; paragraphs [0014], [0026], [0028]-[0029], [0036], [0045], [0050], e.g., The target device 408 sends a request, shown on line 416, where it specifies its make and model or other unique characteristic of the device 408), the provisioning manager obtaining the stored information from the database (paragraphs [0033], [0038], [0040], [0043], e.g., the server 404 stores all session data, including at least an identifier for the sound clip, e.g., (<http://sounds.com/callingunits/>) in the database with the transaction ID as the key), the provisioning manager choosing a download method and configuration parameter values based on the stored information (paragraphs [0033], [0051], e.g., Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data (e.g., WAV, MP3, etc. in the case of audio data), and the data is downloaded to the toy 102 via the mobile phone 112),

b) initiating downloading of update information to the mobile device by sending the update information to the provisioning manager (paragraphs [0027], [0037], [0040], [0045], [0090], e.g., The toy 300B then sends a request where it may specify its own make and model or other information characteristic of the toy 300B. Also provided with the request may be the type of audio data the toy 300B is able to accept, and the transaction ID),

c) the provisioning manager forming a message comprising the update information to be sent to the mobile device on the basis of the stored information (paragraphs [0011], [0030],

[0038], e.g., the server 306 processes the SMS message and sends as a reply an SMS message that contains content retrieval information, such as data length, transaction ID, and phone number), and

d) the provisioning manager downloading the formed message and sending the formed message to the mobile device (paragraphs [0035], [0036], [0039]-[0040], e.g., The server 306 retrieves session data from the database 308 based on the identifier, where the session data identifies the content that should be downloaded. Based on the information characteristic of the toy 300B, the server 306 chooses a suitable version of the requested audio data).

Regarding claim 2, Koskimies discloses the method of claim 1 above, wherein the information of terminal capabilities includes standards, technologies, bandwidth constraints, mobile application characteristics, and/or network functionality (paragraphs [0033], [0045], e.g., The target device 408 may also attach its serial number or other unique identifier to the request, so that the server can enforce digital rights management by encoding the sound so that it can only be played by the target device 408 with that specific serial number or unique identifier).

Regarding claim 3, Koskimies discloses the method of claim 2 above, wherein the network functionality information includes information about the download protocol used, gateways, towers and access links that are dependent on an organization's use of network protocols, application logic and device access, open Internet standards and protocols, extent of wireless networks coverage, cost factors, uniform/spotty coverage, data transmission speed, security concerns, time taken to service requests, and authentication capabilities (paragraphs [0038], [0043], [0081], e.g., Further security can be provided by encrypting all communication

over the data call between server and toy with the toy's secret code, and authenticating the toy and server. In this case, the toy first sends an authentication request containing its serial number, and a random number encrypted with the secret code; therefore, it is authentication capabilities).

Regarding claim 4, Koskimies discloses the method of claim 2 above, wherein the application characteristics includes form factors, area sizes, browser capabilities, languages supported, available input methods, text coverage, graphics support expandability options and slots, push technology support, ruggedness, information storage capability, adding new data to the devices, device performance calculations and logic (paragraphs [0052], [0056], [0065], e.g., a WAP service may be provided where a user can select a sound using a WAP browser on the mobile device. If the mobile device supports audio WAP content, the user can even listen to a preview of the sound. Selecting a sound for download causes an SMS message with the download information to be sent to the user's mobile device; therefore, browser capabilities).

Regarding claim 5, Koskimies discloses the method of claim 1 above, wherein the subscriber information includes information about which terminal a subscriber has, what data is downloaded on different devices (paragraph [0033], e.g., Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data (e.g., WAV, MP3, etc. in the case of audio data), and the data is downloaded to the toy 102), and information about subscription and what information a subscriber wants to have about new applications and updates (paragraphs [0011], [0030], [0038], e.g., the server 306 processes the SMS message and sends as a reply an SMS message that contains content retrieval information, such as data length, transaction ID, and phone number).

Regarding claim 6, Koskimies discloses the method of claim 1 above, wherein the address of the message to be downloaded is based on the location of the mobile device (paragraph [0034], e.g., to recognize that the data download procedure has been activated, the mobile device may need to be located and/or positioned appropriately).

Regarding claim 7, Koskimies discloses the method of claim 1 above, wherein downloading of update information is initiated by an operator on a basis of a specific parameter value to be downloaded (paragraphs [0033], [0045], e.g., The target device 408 sends a request, shown on line 416, where it specifies its make and model or other unique characteristic of the device 408. The type of audio data and the transaction ID are also provided with the request in this example).

Regarding claim 8, Koskimies discloses the method of claim 1 above, wherein downloading of the update information is initiated by an operator on a basis of a new version of software to be downloaded (paragraph [0033], e.g., The session data includes, for example, the content that should be downloaded, such as a Uniform Resource Locator (URL). Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data (e.g., WAV, MP3, etc. in the case of audio data)).

Regarding claim 9, Koskimies discloses the method of claim 1 above, wherein downloading of update information is initiated by the user requesting data (Fig. 5, reference 416; paragraph [0045], e.g., The target device 408 sends a request, shown on line 416, where it specifies its make and model or other unique characteristic of the device 408).

Regarding claim 10, Koskimies discloses the method of claim 1 above, wherein downloading of the update information is initiated by a terminal switch (paragraph [0031], noted activating a switch).

Regarding claim 11, Koskimies discloses the method of claim 1 above, wherein downloading of the update information is initiated by a new location of a terminal (paragraph [0035], e.g., When the mobile device has been located and/or positioned to communicate with the target device, and when the data download procedure has been activated 200 and contact has been made between the devices, the target device retrieves 202 the content retrieval information stored in the mobile device using a first data transmission technology).

Regarding claim 12, Koskimies discloses a network for downloading data to mobile devices, comprising:

mobile devices and a mobile telecommunications network to which the mobile devices belong (Abstract; paragraphs [0007]-[0008]), and

a repository containing information of terminal capabilities and subscriber information of the mobile devices in the network (Abstract; paragraphs [0014], [0026], [0028]-[0029], [0036], [0045], [0050], e.g., The target device 408 sends a request, shown on line 416, where it specifies its make and model or other unique characteristic of the device 408),

a provisioning manager in communication with the mobile devices, the repository and the telecommunication network (paragraphs [0033], [0038], [0040], [0043], e.g., the server 404 stores all session data, including at least an identifier for the sound clip, e.g., (<http://sounds.com/callingunits/>) in the database with the transaction ID as the key), the

provisioning manager having means for the information contained in the repository (paragraphs [0035], [0036], [0039]-[0040]),

the provisioning manager having means for choosing a download method and configuration parameter values based on the contained information (paragraphs [0033], [0051], e.g., Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data (e.g., WAV, MP3, etc. in the case of audio data), and the data is downloaded to the toy 102 via the mobile phone 112),

the provisioning manager having means for downloading update information (paragraphs [0027], [0037], [0040], [0045], [0090]),

the provisioning manager having means for forming a message comprising the update information to be sent to the mobile devices on the basis of the contained information (paragraphs [0011], [0030], [0038], e.g., the server 306 processes the SMS message and sends as a reply an SMS message that contains content retrieval information, such as data length, transaction ID, and phone number), and

the provisioning manager having means for downloading the formed message to the mobile devices (paragraphs [0035], [0036], [0039]-[0040], e.g., The server 306 retrieves session data from the database 308 based on the identifier, where the session data identifies the content that should be downloaded. Based on the information characteristic of the toy 300B, the server 306 chooses a suitable version of the requested audio data).

Regarding claim 13, Koskimies discloses the network of claim 12 above, wherein the information of terminal capabilities includes standards, technologies, bandwidth constraints,

mobile application characteristics, and/or network functionality (paragraphs [0033], [0045], e.g., The target device 408 may also attach its serial number or other unique identifier to the request, so that the server can enforce digital rights management by encoding the sound so that it can only be played by the target device 408 with that specific serial number or unique identifier).

Regarding claim 14, Koskimies discloses the network of claim 13 above, wherein the network functionality includes information about a download protocol used, gateways, towers and access links that are dependent on an organization's use of network protocols, application logic and device access, open Internet standards and protocols, extent of wireless networks coverage, cost factors, uniform/spotty coverage, data transmission speed, security concerns, time taken to service requests and authentication capabilities (paragraphs [0038], [0043], [0081], e.g., Further security can be provided by encrypting all communication over the data call between server and toy with the toy's secret code, and authenticating the toy and server. In this case, the toy first sends an authentication request containing its serial number, and a random number encrypted with the secret code; therefore, it is authentication capabilities).

Regarding claim 15, Koskimies discloses the network of claim 12 above, wherein the application characteristics include form factors, area sizes, browser capabilities, languages supported, available input methods, text coverage, graphics support, expandability options and slots, push technology support, ruggedness, information storage capability, adding new data to the devices, device performance calculations and logic (paragraphs [0052], [0056], [0065], e.g., a WAP service may be provided where a user can select a sound using a WAP browser on the mobile device. If the mobile device supports audio WAP content, the user can even listen to a

preview of the sound. Selecting a sound for download causes an SMS message with the download information to be sent to the user's mobile device; therefore, browser capabilities).

Regarding claim 16, Koskimies discloses the network of claim 12 above, wherein the subscriber information includes information about which terminal a subscriber has, what data is downloaded on different devices (paragraph [0033], e.g., Based on the information particular to the toy 102, the server 140 chooses a suitable version of the data (e.g., WAV, MP3, etc. in the case of audio data), and information about subscription and what information a subscriber wants to have about new applications and updates (paragraphs [0011], [0030], [0038], e.g., the server 306 processes the SMS message and sends as a reply an SMS message that contains content retrieval information, such as data length, transaction ID, and phone number).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/
Examiner, Art Unit 2617

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit
2617